

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL MAYO (20181127027),)	
)	
Plaintiff,)	Case No.: 1:21-cv-05014
)	
v.)	Judge John J. Tharp, Jr.
)	
TOM DART,)	
)	
Defendant.)	

**DEFENDANT’S AGREED MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE PLEAD
TO PLAINTIFF’S SECOND AMENDED COMPLAINT**

NOW COMES Defendant TOM DART, by and through his attorneys, DeVore Radunsky LLC, and for Defendant’s Agreed Motion for Extension of Time to Answer or Otherwise Plead to Plaintiff’s Second Amended Complaint, states as follows:

1. Defendant’s Counsel met with Plaintiff on December 9, 2022, and Plaintiff agreed to this Motion for Extension of Time during the meeting.
2. On September 1, 2022, Plaintiff filed his First Amended Complaint. (Dkt. #11).
3. On October 18, 2022, this Court entered an order providing that no further action would be taken regarding the complaint, until a Joint Status Report was submitted by counsel in a separate matter filed by Plaintiff. (See October 18, 2022, Minute Order, Dkt. #15).
4. On November 2, 2022, a Waiver of Summons was filed for Defendant Tom Dart and set his Answer to be due by January 1, 2023. (Dkt. #17).
5. On November 8, 2022, Plaintiff filed his Second Amended Complaint (“SAC”). (Dkt. #18).
6. On December 5, 2022, this Court issued an order accepting Plaintiff’s SAC and instructing Defendant Tom Dart to answer the SAC by December 23, 2022. (Dkt. #21).

7. Defendant Tom Dart requests a 38 (thirty-eight) day extension, until January 30, 2023, to file his answer or other responsive pleading to the SAC.
8. Jason DeVore, the primary attorney drafting the responsive pleading, is visiting family out of state for the holidays, and this now overlaps with the time Defendant has to respond.
9. Troy Radunsky, who will contribute to the responsive pleading, will be out of the office and taking personal time with family for the holidays, which overlaps with Defendant's response time.
10. Additionally, Counsel for Defendants is currently drafting an Appellate Brief that is due on January 6, 2023, in the matter entitled, *GuideOne v. Presbytery of Chicago*, Case No. 1-22-0235. An extension is not possible.
11. Defendant's counsel also has a Reply Brief in Support of a Motion for Summary Judgment that is due on January 23, 2023, in in the matter entitled, *Arquero v. Dart et al.*, Case No. 1:19-cv-01528.
12. Not granting an extension of time for Defendants' Reply brief would prejudice Defendants because the December 23, 2022, due date does not allow sufficient time to properly prepare and submit Defendant's answer or other responsive pleading under the circumstances.
13. Granting an extension of time will not prejudice any party and this motion is not brought for undue delay or any improper purpose

WHEREFORE, Defendant respectfully requests that this Honorable Court enter an order as follows:

1. Defendant's Motion for Extension of Time is granted;
2. Defendant's Answer or Other Responsive Pleading to Plaintiff's Second Amended Complaint shall be filed by January 30, 2023.

Respectfully Submitted,

TOM DART

By: /s/ Jason E. DeVore
Jason E. DeVore, One of the Attorneys
for Defendant

DEVORE RADUNSKY LLC

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that Defendant's Motion for Extension of Time to File Answer or Other Responsive Pleading was filed on December 9, 2022, with the Northern District of Illinois ECF System, serving a copy to all parties.

/s/ Zachary Stillman
Zachary Stillman